

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-22
)	
GYA ARCHITECTS, INC. and)	
Alvin M. Yoshimori,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around December 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, GYA Architects, Inc. and Alvin M. Yoshimori (hereinafter referred to as "GYA" unless otherwise noted). GYA is registered with the Business Registration Division as providing professional service-architecture, whose business address is 2145 Wells Street, Suite 303, Wailuku, Hawaii. Officers of GYA include Alvin M. Yoshimori, President; Richard Kanada, Secretary/Treasurer; Richard H. Miyabara, Vice-Chair and Lawrence K. Ueki, Vice-Chair. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, GYA and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around December 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Ben Cayetano campaign committee ("Cayetano") and the Jeremy Harris campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of the campaign finance statute.
 2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the

candidate's committee in an aggregate amount greater than \$4,000 during an election period.

3. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
4. Section 11-202, HRS reads in part as follows:...No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
5. The Commission reviewed contributions by GYA to various candidates between 1996 and 2002 and finds contributions in excess of \$26,000.
6. The Commission finds contributions from GYA, associates and family members to Cayetano in the amount of \$7,100.
7. On or about May 1997, Lawrence Ueki made a contribution to Cayetano in the amount of \$500.
8. On or about May 1997, Diane Ueki made a contribution to Cayetano in the amount of \$500.
9. On or about December 1997, GYA made a contribution to Cayetano in the amount of \$1,000.

10. On or about August 1998, GYA made a contribution to Cayetano in the amount of \$1,000.
11. On or about October 1998, GYA made a contribution to Cayetano in the amount of \$1,000.
12. On or about October 1998, Sandra Yoshimori, wife of Alvin Yoshimori, made a contribution to Cayetano in the amount of \$3,000.
13. On or about October 1998, Lawrence Ueki made a contribution to Cayetano in amount of \$50.
14. On or about October 1998, Diane Ueki made a contribution to Cayetano in the amount of \$50.
15. The Commission finds that GYA made contributions to Harris in the amount of \$2,000.
16. On or about October 2001, GYA made a contribution to Harris in the amount of \$500.
17. On or about October 2001, Richard H. Miyabara made a contribution to Harris in the amount of \$500.
18. On or about October 2001, Richard N. Kanda made a contribution to Harris in the amount of \$500.
19. On or about October 2001, Alvin M. Yoshimori made a contribution to Harris in the amount of \$500.
20. The Commission finds that GYA made contributions to Hirono from 1997 to 2002 in the amount of \$7,000.

21. That GYA did not file a timely organizational report pursuant to section 11-194, HRS.
22. That GYA failed to file state contractor reports pursuant to section 11-205.5, HRS.
23. That GYA failed to file timely and accurate disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-22, GYA understands and agrees to the following:

- (A) GYA agrees to an assessment of **Six Thousand Five Hundred Dollars (\$6,500)** pursuant to section 11-228, HRS.
 - (1) The Commission finds violations of section 11-202, HRS, making false name campaign contributions to the Cayetano and Harris campaign committees;
 - (2) The Commission finds that GYA failed to file timely and accurate disclosure reports pursuant to sections 11-205.5, 11-212 and 11-213, HRS.
- (B) GYA agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and GYA on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Alvin M. Yoshimori

By: _____

(Name)

(Title)

Date: _____